

Sparta Township, NJ

Standards for Individual Commercial, and Light Industrial Subsurface Sewage Disposal Systems and Groundwater Protection From Comprehensive Land Management Code.

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Zoning Ordinance

Draft 1991

## INTRODUCTION

The Department of Planning, Conservation and Economic Development in Sussex County, New Jersey, has been active in protecting water resources from potential pollution sources. The County developed a Groundwater Management Plan in 1983 and recently has been working on a component of the groundwater protection plan which addresses septic system management.

In Sparta Township, the Germany Flats Aquifer, comprised of thick, porous stratified glacial drift deposits, has been the focus of attention as a significant source of public drinking water. Currently, a one million gallon per day community well is being developed in this aquifer unit. The land overlying the aquifer is zoned ~Economic Development~, where commercial and light industrial activity is planned. As many of these businesses currently rely on septic systems, and with new development projected to continue to rely on in-ground disposal in the future, a wellhead protection ordinance was developed for the region. The Greeley-Polhemus Group, Inc., (Van Dyke Polhemus and Paul T. Pettit, Jr., P.E.) worked with Lyn Halliday, Director of the Sussex County Division of Environmental Resources Planning, and Ralph D'Aries, Sparta Township Health Officer, to prepare the following draft ordinance, which is anticipated to be adopted in late 1991.

## ORDINANCE NO.

An Ordinance relating to the construction, alteration, operation and maintenance of individual subsurface sewage disposal systems and commercial and light industrial subsurface sewage disposal systems and amending the Comprehensive Land Management Code of the Township of Sparta by adopting N.J.A.C. 7:9A Standards for Individual Subsurface Sewage Disposal Systems adopted July 28, 1989 and adding thereto the following Section entitled "Standards for Individual, Commercial, and Light Industrial Subsurface Sewage Disposal Systems and Groundwater Protection":

## RECITALS:

WHEREAS, the New Jersey Department of Environmental Protection ("DEP") has amended its regulations regarding the standards for individual subsurface sewage disposal systems, N.J.A.C. 7:9A-1.1 et seq.; and

WHEREAS, the purpose of the DEP's amended regulations is to:

(I) prevent pollution of the waters of the State as a result of improper location, design, construction, installation, alteration, operation or maintenance of individual subsurface sewage disposal systems;

(ii) provide standards for the proper location, design, construction, installation, alteration, operation and maintenance of individual subsurface sewage disposal systems;

(iii) protect the public health and safety;

(iv) protect potable water supplies; and values; and

(V) safeguard fish and aquatic life and ecological

WHEREAS, the Township Council of Sparta has authority to regulate the design, construction, alteration, operation and maintenance of individual subsurface sewage disposal systems pursuant Sections 2-1 and 2-3 of the Faulkner Act, N.J.S.A. 40:69A-26 and 28; the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 to -42; and N.J.S.A. 26:3-31 and -45 to -47, and has the authority to manage land use under Chapter XVIII of The Comprehensive Land Management Code of the Township of Sparta; and

WHEREAS, the Township Council of Sparta Township has determined that additional, more stringent standards than those promulgated by DEP for certain commercial and light industrial subsurface sewage disposal systems are necessary to protect the public health and the environment within the Township of Sparta;

WHEREAS, the Township Council of Sparta supports the development of new businesses in the Economic Development Zone overlying the Germany Flats Aquifer and believes that this development should be in accordance with standards that will protect valuable surface water and groundwater resources;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA;

That the Comprehensive Land Management Code of the Township of Sparta is hereby amended by adopting N.J.A.C. 7:9A-1.1 et seq; and by adding thereto a new Section entitled "Standards for Individual, Commercial, and Light Industrial Subsurface Sewage Disposal Systems and Groundwater Protection" reading as follows:

#### Section 1. FINDINGS

(a) Subsurface sewage disposal systems within the township have been known to malfunction even when the systems have been designed, constructed, and sited in accordance with apt' 4 ~able standards largely due to lack of proper system management. ~these malfunctions have the potential to adversely affected public ~health and welfare and the environment.

(b) Many of the chemicals, substances, and materials used in commercial and light industrial facilities can not be adequately treated by a subsurface sewage disposal system, even when they are designed, constructed, and sited in accordance with applicable standards.

## Section 2. PURPOSE

(a) In addition to the purposes set forth in N.J.A.C. 7:9A-1.1, it is the purpose of this Ordinance to regulate subsurface sewage disposal systems serving commercial and light industrial facilities which are located in the Economic Development Zone in the Germany Flats Aquifer Pilot Study Area (Attachment A).

(b) It is also the purpose of this Ordinance to provide for the education of the Owner/Operator in the characteristics of subsurface sewage disposal systems and in the proper operation and maintenance of these systems.

It is also the purpose of this Ordinance to provide supplemental development regulations within the Economic Development Zone located in the Germany Flats Aquifer Pilot Study Area to monitor and protect the primary water source of Sparta Township from long-term contamination originating from activities of commercial and light industrial facilities located here.

(d) It is also the purpose of this Ordinance to adopt by reference provisions of DEP's regulations at N.J.A.C. 7:9A-1.1 et seq on a township wide basis.

## Section 3. SCOPE

This Ordinance prescribes procedures for the operation and maintenance of subsurface sewage disposal systems serving commercial, and light industrial facilities in the ED Zone.

This Ordinance also prescribes development standards and requirements for the protection of Sparta Township's water supply by managing not only subsurface sewage disposal systems, but also those activities, along with the chemicals, substances, and materials used in the performance of those activities, that have been found to be detrimental to the local groundwater system.

## Section 4. DEFINITIONS

(a) All definitions given in Subchapter 2 of the DEP Standards for Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A-1.1 ~., and any amendments thereto, ("DEP Regulations") are hereby incorporated into this Ordinance, with the following additions:

(b) "Certificate of Compliance" means a certification issued by the Health Officer stating that the septic system is in compliance with this ordinance for the prescribed period.

"Completed Alteration/Pumpout Report" means a report submitted to the Health Officer by an Owner/Operator indicating that the required pumpout or alteration of the individual subsurface sewage disposal system has been completed in accordance with the Notice of Pumping, Alteration, or Repair.

(d) "Completed Inspection Certificate" means a certificate submitted to the Health Officer by an Owner/Operator indicating that the required inspection of the septic tank has been completed in accordance with the Notice of Pumping, Alteration~, and Repair.

(e) "Educational Program" means an educational program prepared and administered by the Health Officer regarding the fundamentals of individual subsurface sewage disposal systems and the proper procedures for the operation and maintenance C:: such systems.

(f) "Environmentally Hazardous" means those chemicals, substances, or materials that are defined as hazardous in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Section 101(14) of CERCLA also defines as hazardous:

- 1) any hazardous substances designated pursuant to Section 311(b) (2) (A) of the federal Clean Water Act;
- 2) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA;
- 3) any hazardous waste regulated under the federal Resource Conservation and Recovery Act;
- 4) any toxic pollutant listed under Section 307 (a) of the Clean Water Act;
- 5) any imminently hazardous chemical substance or mixture under Section 7 of the Toxic Substances Control Act.

(g) "Hazardous" means any chemical, substance, or material that poses an environmental, health, or physical hazard.

(h) "Health Hazard" means a chemical, substance, or material for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in people exposed to these items.

(I) "Individual Subsurface Sewage Disposal System" means an individual subsurface sewage disposal system as defined at N.J.A.C 7:9A-2.1, serving a single-family detached residential Dhousing unit or a commercial or light industrial facility.

(j) "Malfunction" means an individual sewage disposal system which pollutes surface or ground waters or creates a nuisance or hazard to public health or safety or the environment and includes but is not limited to the situations described in N.J. A.C. 7:9A-3.4.

(Ic) "Notice of Pumping, Alteration or Repair" means a notice issued by the Health Officer to an Owner/Operator that the individual subsurface sewage disposal system requires pumping-out or other repairs or maintenance before an Operator's License may~be renewed.

(1) "Operator's License" means a license issued to an applicant pursuant to this Ordinance and the DEP Regulations for the operation of an individual subsurface sewage disposal system.

(m) "Owner/Operator" means the person who owns the realty on which an individual subsurface sewage disposal system is located and/or the person who uses or operates said system. The owner of the realty and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this Ordinance regarding operations and maintenance of such systems.

(n) "Physical Hazard" means a chemical, substance, or material for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable or organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.

(o) "Septic System Inspector" means a licensed health officer, licensed professional engineer, first-grade licensed sanitarian, solid waste haulers registered with the DEP in accordance with N.J.A.C. 7:26-3, or other person acceptable to the Health Officer.

(p) "Survey and Inventory of Commercial/Industrial Facilities" means a report which follows the format prescribed by the Health Officer pursuant to Section 7 of this ordinance, and is certified by a Professional Engineer and submitted by the facility owner to the Health Officer, which discloses operational procedures and processes pertinent to the purposes of this ordinance.

## Section 5. GENERAL REQUIREMENTS FOR THE CONSTRUCTION, INSTALLATION, ALTERATION AND OPERATION OF INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS

No business, corporation, establishment, organization, or entity shall construct, install, alter, or operate an individual subsurface sewage disposal system unless such construction, installation, alteration, or operation is in accordance with the DEP Regulations, this Ordinance, and any regulations promulgated hereunder by the Health Officer.

## Section 6. PERMITTED USE IN THE ECONOMIC DEVELOPMENT ZONE OVERLYING THE GERMANY FLATS AQUIFER

The following uses are permitted within the Economic Development Zone overlying the Germany Flats Aquifer provided that all permits, compliances, and approvals required by local, state, and federal law shall have been obtained:

(a) All uses currently permitted under Chapter XVIII of the Comprehensive Land Management Code of the Township of Sparta are permitted in the Economic Development Zone overlying the Germany Flats Aquifer subject to the provisions of this Ordinance.

(b) Notwithstanding any other requirement herein, a nonconforming use within the ED zone may be continued and maintained so long as this use remains otherwise lawful. No such use shall be enlarged, altered, extended, or operated in any way as to increase the threat of groundwater contamination or otherwise contravenes with the purpose and intent of this Ordinance.

If a nonconforming use has ceased for a consecutive period of one (1) year, such a nonconforming use may not be resumed except in conformity with the requirements of operation within the ED zone.

## Section 7. RESTRICTIONS AND REQUIREMENTS FOR OPERATION WITHIN THE ECONOMIC DEVELOPMENT ZONE

### I) Prohibited Uses and Activities

The following activities shall be prohibited in the ED zone overlying the Germany Flats Aquifer, unless these activities have commenced before the effective date of this Ordinance and are otherwise lawful and are in conformance with all local, state, and federal regulations:

- a)  
The discharge to either surface water or ground water, land application or disposal of any hazardous chemicals, substances, or materials, toxic substance or radioactive material exceeding levels considered to be detrimental as defined under "Definitions".
- b) The discharge of any quantities of hazardous chemical, substance, or material, toxic substance, or radioactive material.
- c) Any form of underground injection of hazardous chemicals, substances, or materials, toxic substances, or radioactive materials.
- d) The disposal of hazardous chemicals, substances, materials, toxic substances, or radioactive materials by means of discharge to a septic system that exceed concentrations outlined in Definitions.
- e) The use of septic system cleaners which contain toxic substances or hazardous chemicals, substances, or materials.
- f) The dumping or disposing of snow or ice collected off-site from roadways or parking areas.
- g) The outside unenclosed or unlined storage of road salt.
- h) Graveyards or animal burial sites.
- I) Discharge of PCB containing oils.

### II) Requirements for Operating in the ED Zone

(1) Every commercial and/or light industrial facility located or seeking to locate in the ED zone must submit a Survey and Inventory of Commercial/Industrial Facilities. This Survey shall contain the following information and shall be certified by a licensed Professional Engineer:

- a) The type of business, function, or processing that is being conducted at each location;
- b) The size and location of the septic tank and drainfield, or of any other on-site wastewater system employed at the location;
- c) The average daily water use at the location, including water used in restroom facilities, food preparation, dishwashing, laundry facilities, manufacturing processes, etc.;
- d) Declaration of the types and amounts of chemicals, substances, and materials, hazardous and potentially hazardous, used and consumed in the operation of the facility itself, or used in the manufacturing process performed at this location;
- e) The method of storage and transport of any hazardous and potentially hazardous chemicals, substances, or materials used and/or consumed in the manufacturing process or in the operation of the facility itself;
- f) A description of how chemicals, substances, and materials are used in the operation of the facility itself, and/or how they are used in the manufacturing process performed at this location;
- g) A description of the transport and disposal methods for used hazardous chemicals, substances, and materials and other liquid and solid wastes. Copies of manifest reports or any existing Best Management Practice Plans or other plans or methodology generated as part of existing State or Federal regulatory programs must be submitted as part of the survey.

(2) The Health Officer may waive certain survey submittal requirements based on prior knowledge of the property and operation of the facility.

(3) The Health Officer reserves the right to initially and periodically perform a visual site inspection and a 'walk through' inventory of activities at the site of the commercial or industrial use.

(4) Any change in the use of chemicals, substances, and hazardous and potentially hazardous materials, manufacturing or related processes, or type of business or ownership, or any expansion of existing operations or facilities, will necessitate a new or amended survey, also certified by a licensed Professional Engineer.

(5) If information provided in the Survey and Inventory as described above warrants, in the sole and absolute discretion of the Sparta Township Health Officer, the implementation of discharge monitoring requirements so as to achieve the stated purposes of this ordinance, said facility

located or wishing to locate in the ED zone shall be required to submit an analysis of its wastewater effluent each year of the first three years of the licensing period. Each facility shall submit discharge sampling analysis results of wastewater effluent collected and tested to the Health

Department. The criteria, procedures and protocol of wastewater sampling, analysis, and reporting will be specified by the Health Department. Each analysis will contain the following information:

- a) The name of the New Jersey certified laboratory that collects the samples and analyzes the samples along with their credentials and qualifications for performing such analysis. These qualifications must be submitted in writing at least thirty (30) days prior to the date of testing. The lab shall be certified for that particular parameter and concentration level being analyzed.
- b) The date and time that the analysis will be performed;
- c) The results of the analysis. Analysis results must be certified and sent by the tester to the Health Department no later than thirty (30) days after the performance of the test;
- d) The analysis method(s) used. The tester must also submit certification that the analysis performed is in conformance to the specific requirements of that analysis method(s);
- e) The location where the sample was taken from;
- f) The address of tester if different from that of the facility where the test is performed;
- g) The signature of the tester.

Nothing in this requirement shall be construed as limiting the authority of the Health Department to conduct independent analyses if the test results obtained and/or the test methods used by the facility or the authorized agent of the facility are inaccurate or are suspected of being inaccurate.

(6) If sampling results indicate elevated concentrations of any undesirable constituents, in sufficient quantity as to compromise the quality and integrity of the local groundwater system, the facility, under the direction of the Health Officer, shall take immediate steps to rectify this situation. These steps may include, but are not limited to:

- a) The repairing or replacement of any part or parts of the septic system that may be deemed the cause of the contamination;
  - b) Restrict, discontinue, or modify the use of the
- Department. The criteria, procedures and protocol of wastewater sampling, analysis, and reporting will be specified by the Health Department. Each analysis will contain the following



information:

- a) The name of the New Jersey certified laboratory that collects the samples and analyzes the samples along with their credentials and qualifications for performing such analysis. These qualifications must be submitted in writing at least thirty (30) days prior to the date of testing. The lab shall be certified for that particular parameter and concentration level being analyzed.
- b) The date and time that the analysis will be performed;
- c) The results of the analysis. Analysis results must be certified and sent by the tester to the Health Department no later than thirty (30) days after the performance of the test;
- d) The analysis method(s) used. The tester must also submit certification that the analysis performed is in conformance to the specific requirements of that analysis method(s);
- e) The location where the sample was taken from;
- f) The address of tester if different from that of the facility where the test is performed;
- g) The signature of the tester.

Nothing in this requirement shall be construed as limiting the authority of the Health Department to conduct independent analyses if the test results obtained and/or the test methods used by the facility or the authorized agent of the facility are inaccurate or are suspected of being inaccurate.

(6) If sampling results indicate elevated concentrations of any undesirable constituents, in sufficient quantity as to compromise the quality and integrity of the local groundwater system, the facility, under the direction of the Health Officer, shall take immediate steps to rectify this situation. These steps may include, but are not limited to:

- a) The repairing or replacement of any part or parts of the septic system that may be deemed the cause of the contamination;
- b) Restrict, discontinue, or modify the use of the polluting agents;
- C) re-evaluation of the Survey and Inventory of Commercial/Industrial facilities;
- d) modification of the manufacturing process that has been deemed the cause of the contamination;
- e) resampling as deemed necessary by the Health Department.

(7) If warranted, in the sole and absolute discretion of the Health Officer, each owner of a facility located or seeking to locate in the ED zone shall, at its' own expense, shall install one or more groundwater monitoring wells as determined by and in a manner approved by the Health Officer. Every owner shall, at its' own expense, sample groundwater in each monitoring well semiannually, or at a frequency determined by the Health Officer, and obtain independent analytical results of the presence and concentrations of those chemicals, substances, or materials found in each monitoring well. The analytical results shall be obtained through the use of standard methods by a State certified lab. The results shall be submitted to the Health Officer within thirty (30) days after the test is performed.

Nothing in this requirement shall be construed to limit or to alter the authority of the Health Officer to conduct independent analyses if the test results obtained from the facility or test methods used by the facility or their authorized agents are inaccurate or are suspected of being inaccurate.

(8) If it has been determined that any hazardous chemicals, substances, or materials are present in unacceptable amounts or concentrations or that any potentially hazardous chemicals, substances, or materials are present in such quantities as to compromise the quality and integrity of the local groundwater system, and it has also been found that the local groundwater has been contaminated, it shall be the responsibility of the owner of that facility to report such an occurrence to the appropriate State Department of Environmental Protection Agency (NJDEP) for their response. At a minimum, the owner of the facility shall formulate and implement a groundwater clean-up strategy for the affected areas of the groundwater system. A document outlining this strategy must be submitted to the Health Officer no later than fifteen (15) days after groundwater contamination has been confirmed. This document must contain the following information:

- a) A list of types, quantities, and concentrations of contaminants present in each monitoring well;
- b) Method of clean-up;
- c) Method of future contamination prevention. If this involves a change in operation, manufacturing process, chemicals, substances, or materials used a new and amended Survey and Inventory of Commercial/Industrial facilities will have to be submitted.
- d) The approximate costs for clean-up to be submitted voluntarily.

(9) If sampling results reveal, in the first three years of licensing, that no hazardous or toxic materials are present in concentrations determined to be harmful as discussed above, sampling and reporting frequency will be extended to once every three year period concurrent with license renewal.

#### Section 8. OPERATOR'S LICENSE

(a) The Health Officer shall issue an Operator's License and a copy of all relevant educational materials regarding the proper operation and maintenance of the septic system at the time the Certificate of Compliance is issued for a subsurface sewage disposal system.

(b) Existing facilities, within one year of the passage of this ordinance, shall apply for an operator's license.

The initial Operator's License shall expire three years after issuance. All subsequent renewal Operator's Licenses shall be for a one (1) year term unless the system has been inspected and pump-out completed and verified, if applicable. In that case, the Operator's License will be renewed for a three (3) year term.

(d) The Health Officer shall notify the licensee before the Operator's License expires in accordance with Section 9 below and shall direct the licensee to apply for renewal of the Operator's License. The Health Officer shall not renew the Operator's License unless the licensee:

(1) has submitted to the Health Officer a Survey and Inventory of Commercial/Industrial Facilities containing all required information as specified above. This survey need only be submitted once and will be kept on file with the Health Officer, unless there are changes in the manufacturing process, type of business, types of chemicals, substances, or materials used, amounts of chemicals, substances, or materials used, or change in the ownership of the facility in question, or an expansion of existing operations and/or facilities take place. In this case, a new and amended survey must be certified by a Professional Engineer and submitted by the licensee to the Health Officer;

(2) has submitted all results of the wastewater and effluent tests performed along with all information specified above;

(3) has submitted monitoring analysis, information specified

all results of groundwater if applicable, along with all above;

(4) has submitted clean-up strategy and all information specified above, if applicable;

(5) has submitted to the Health officer evidence that the necessary maintenance has been performed on its subsurface sewage disposal system as prescribed in N.J.A.C. 7:9A-12.3;

(6) has submitted applicable written documentation as to the transport and ultimate destination of any wastewater or other items identified in the Survey as being treated off site,

(7) has had their individual subsurface sewage disposal system inspected pursuant to Section 8 below;

(8) has paid any and all fees due and owing to the Health Officer under this Ordinance; and

(9) has received the educational program materials.

#### Section 9. INSPECTIONS

(a) Inspections for all new systems shall take place every 3 years after installation according to Chapter 199, unless the system was not pumped out at the time the system was last inspected. In this case, inspection will be required yearly until the system is pumped out.

(b) Inspections shall take place when any system installed after January 1, 1990 is altered.

The Health Officer shall ensure that inspection of an individual subsurface sewage disposal system shall take place prior to the expiration of the Operator's License. The Health Officer shall notify the licensee prior to the expiration of the Operator's License. Failure to receive renewal notification does not preclude or waive license requirements.

(d) Inspection forms that are in accordance with Chapter 199 or are more stringent than Chapter 199 as approved by the Township shall be used in the inspection of individual subsurface sewage disposal systems. These forms will be completed at the time of inspection and shall be filed with the Health Officer.

(e) The license renewal inspection shall take place within 60 days of the expiration of the Operator's License. Prior to the expiration of the Operator's License, the licensee shall file with the Health Officer an inspection report, in a form approved by the Health Officer and signed by an approved inspector or agent, as defined in Chapter 199.

(f) If the inspection indicates that pumping out of the septic tank or other maintenance, alteration or repair of the system is necessary, the Health Officer shall require a certificate of completed work to be submitted by the licensee prior to license renewal.

(g) Any inspection performed pursuant to this Section 9 shall be in accordance with the DEP Regulations of N.J.A.C. 7:9A-12.2(a) through (f).

(h) Nothing in this section shall be construed to limit or to alter the authority of the Health Officer to conduct inspection of individual subsurface sewage disposal Systems which are malfunctioning or are suspected of malfunctioning.

#### Section 10. FEES

(a) Each applicant shall, pay a licensing fee of \$5.00 for one (1) year or a fee of \$15.00 for three (3) years when applying for an Operator's License.

(b) Each licensee shall pay to the Health Department a program management fee of \$95.00 for one (1) year or \$285.00 for three (3) years.

#### Section 11. DECLARATION OF NUISANCE

(a) Any individual subsurface sewage disposal system which is malfunctioning is hereby declared a nuisance.

(b) Any individual subsurface sewage disposal system which has been installed after January 1, 1990 and has not been maintained in accordance with N.J.A.C. 7:9A-12.3, Septic Tank Maintenance, is hereby declared a nuisance.

~(c) Any individual subsurface sewage disposal system which is constructed, installed altered, operated or maintained in violation of this Ordinance, the NJDEP Regulations, any rule or regulation promulgated by the Health Department pursuant to this Ordinance, or any permit, certificate or license issued pursuant to this Ordinance is hereby declared to be a nuisance.

(d) Any facility operating outside the parameters set forth in its Survey and Inventory of Commercial/Industrial Facilities is hereby declared a nuisance.

## Section 12. ENFORCEMENT AND PENALTIES

(a) The Health Officer shall enforce the provisions of this Ordinance pursuant to (section of the Sanitary/Zoning Code regarding general enforcement procedures)

(b) Any person who violates any provision of this Ordinance, any rules or regulations of the Health Department promulgated hereunder, or any term or condition of any permit or license issued by the Health Officer shall be liable for a civil penalty in the amount of \_\_\_\_\_ maximum \$500, N.J.S.A. 26:370).

Any person who fails to comply with any notice or order issued by the Health Officer pursuant to this Ordinance shall be liable for a civil penalty in the amount \_\_\_\_\_(same maximum).

(d) Each violation for each separate day and each violation of any provision of this Ordinance, any rule or regulation of the Health Department, any term or condition of any permit or license, or any notice or order issued by the Health Officer shall constitute a separate and distinct violation under this Section 10.

(e) The Health Officer shall enforce and collect all civil penalties assessed under this Ordinance in accordance with N.J.S.A. 26:3-72 to -78.

(f) Nothing in this Section 10 shall be construed as limiting the remedies of the Township to the assessment and collection of civil penalties. In addition to the assessment and collection of civil penalties, the Township may proceed under any other remedy available at law or in equity for any violation of this Ordinance, any rule or regulation of the Township promulgated hereunder, or any term or condition of any permit or license issued by the Health Officer, or for any failure to comply with any notice or order issued by the Health Officer under this Ordinance.

### Section 13. APPEALS

(a) If a certificate of compliance is denied by the Health Officer, the applicant may request a hearing before the Township. The Township shall hold a hearing within 15 days of such request in accordance with N.J.S.A. 58:11-31. Upon such hearing, the Health Officer shall affirm, alter or rescind its previous determination and take action accordingly within 15 days after the date of such hearing.

(b) Procedures for appeals from any other actions of the Health Officer pursuant to this Ordinance shall be taken in accordance with Section    of the Sanitary/Zoning Code of Sparta Township.

### Section 14. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision of this Ordinance, and to this end, the provisions of this Ordinance are severable.

### Section 15. EFFECTIVE DATE

This Ordinance shall become effective on that date which is 30 days after the date of first publication of this Ordinance in accordance with N.J.S.A. 26:3-69.

ENACTED    TOWNSHIP COUNCIL

ATTEST: